

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of: KLEWER et al.**

Serial No.: 09/276,935

Group Art Unit: 1646

Filed: March 26, 1999

Examiner: Michael D. Pak

Title: *An Orphan Nuclear Receptor***REVOCATION OF PRIOR POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE  
INTEREST, APPOINTMENT OF NEW POWER OF ATTORNEY, AND CHANGE OF  
CORRESPONDENCE ADDRESS**Commissioner for Patents  
Washington, D.C. 20231#35  
4/15/03  
*already done*

Sir:

The assignee of record of the entire interest of the identified

application  
 patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

hereby revokes all previous powers of attorney and

**NEW POWER OF ATTORNEY AND CHANGE OF ADDRESS**

appoints the practitioners at Customer Number 23347 as our attorney(s) or agent(s) to prosecute and transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER BAR CODE LABEL:****Please direct all future written correspondence and telephone calls to the above mentioned Customer Number.****CUSTOMER NUMBER BAR CODE LABEL:**

The United States Patent and Trademark Office recorded the assignment for this application to  
GLAXO WELLCOME INC., on June 28, 1999 Reel/Frame: 010053/0547.

Or

A copy of the Assignment is attached.

A copy of Certificate 373(b) is also attached.

Respectfully submitted,

SmithKline Beecham Corporation

Date: MARCH 7, 2003  
GlaxoSmithKline  
Intellectual Property Department

Five Moore Drive, P.O. Box 13398  
Research Triangle Park, NC 27709  
Telephone No.: (919) 483-8247  
Facsimile No.: (919) 483-7988

BY: D.J.L. David J. Levy  
Title: Assistant Secretary,  
Corporate Intellectual Property  
Registration No.: 27,655

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicant: Steven A. KLEWER et al.

Patent Application No.: 09/276,935 Filed: March 26, 1999

For: AN ORPHAN NUCLEAR RECEPTOR

Glaxo Wellcome Inc., a Corporation

(Name of Assignee) (Type of Assignee, e.g. corporation, partnership, university, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010053, Frame 0547, or for which a copy thereof is attached.

B. [ ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or which a copy thereof is attached.

[X] Additional documents in the chain of title are listed on a supplemental sheet.

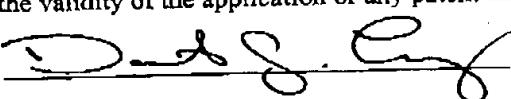
**Articles of Merger of SmithKline Beecham Corporation showing merged entity is Glaxo Wellcome Inc., effective March 31, 2001.**

[ ] Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: 

Date: MARCH 7, 2003

Name: David J. Levy

Title: V.P. Intellectual Property Counsel, Assistant Secretary,

SmithKline Beecham Corporation

Address: GlaxoSmithKline

Corporate Intellectual Property Department

Five Moore Drive, PO Box 13398

Research Triangle Park, NC 27709

Telephone No.: (919) 483-2252

Faxsimile No.: (919) 483-7988

MAR 7 2003 4:12PM GLAXO WELLCOME

NO. 7780 P. 7

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

APRIL 05, 2001

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

SMITHKLINE BEECHAM CORPORATION

I, Kim Pizzinrilli, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Merger restating the Articles of Incorporation in their entirety

which appear of record in this department

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

*Kim Pizzinrilli*

Secretary of the Commonwealth  
DPOB



MAR. 7 2003 4:13PM GLAXO WELLCOME

NO. 7780 P. 8

RETURN TO CSC

MAR 8 0 2001

File Number

333095

Filed with the Department of State on

*Tom Fitzgerald*

Secretary of the Commonwealth

*SK*

ARTICLES OF MERGER-DOMESTIC BUSINESS CORPORATION

OSCR13-1726 (Rev 7-01)

In compliance with the requirements of 15 Pa.C.S. § 1926 (relating to articles of merger or consolidation), the undersigned investors corporations, desiring to effect a merger, hereby state that:

The name of the corporation surviving the merger is: SmithKline Beecham Corporation

(Check and complete one of the following):

The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) One Franklin Plaza, 200 North 16th Street, Philadelphia, PA 19102 Phila.  
Number and Street      City      State      Zip      County

(b) c/o: Name of Commercial Registered Office Provider      County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

The surviving corporation is a qualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) Number and Street      City      State      Zip      County

(b) c/o: Name of Commercial Registered Office Provider      County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the address of its principal office under the laws of such domiciliary jurisdiction is:

Number and Street      City      State      Zip

3. The name and the address of the registered office in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

Name of Corporation	Address of Registered Office or Name of Commercial Registered Office Provider	County
<u>Glaxo Wellcome Inc.</u>	<u>CT Corporation System</u>	<u>Philadelphia</u>

THIS IS A TRUE COPY OF  
THE ORIGINAL SIGNED  
DOCUMENT FILED WITH  
THE DEPARTMENT OF STATE.

03CB:15-1926 (Rev 90)-2

4. (Check, and if appropriate complete, one of the following):

The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

The plan of merger shall be effective on March 31, 2001 at 11:30 p.m. Hour  
Date

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

Name of Corporation	Manner of Adoption
<u>SmithKline Beecham Corporation</u>	<u>Adopted by the directors and shareholders</u> <u>pursuant to 15 Pa.C.S. § 1924(a)</u>

6. (Strike out this paragraph if no foreign corporation is a party to the merger). The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation (or each of the foreign business corporations) party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.

7. (Check, and if appropriate complete, one of the following):

The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

Pursuant to 15 Pa.C.S. § 1901 (relating to omission of certain provisions from filed plans) the provisions, if any, of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

Number and Street	City	State	Zip	County
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IN TESTIMONY WHEREOF, the undersigned corporation or each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this March 2001 day of March 2001.

SMITHKLINE BEECHAM CORPORATION

(Name of Corporation)

BY: Donald F. Parmar

(Signature)

TITLE: Donald F. Parmar, Secretary

GLAXO WELLCOME INC.

(Name of Corporation)

BY: Paul A. Holcombe, Jr.

(Signature)

TITLE: Paul A. Holcombe, Jr., Secretary

## POWER OF ATTORNEY

BY THIS POWER OF ATTORNEY given this 16th day of May, Two Thousand and One, **SMITHKLINE BEECHAM CORPORATION**, a Company duly incorporated in Pennsylvania under registered no 23-1099050 and having its Registered Office at One Franklin Plaza, Philadelphia, Pennsylvania 19101, United States of America, (hereinafter called "the Company") appoints any one Director, the Secretary, or any Assistant Secretary from time to time, and **WILLIAM T KING** and **STEPHEN VENETIANER**, both of GlaxoSmithKline, and located at 709 Swedeland Road, King of Prussia, Pennsylvania 19406, United States of America, and, **CHARLES E DADSWELL**, **ROBERT H BRINK**, and **FRANK P GRASSLER**, all of GlaxoSmithKline, and located at Five Moore Drive, Research Triangle Park, North Carolina 27709, United States of America, and **DAVID ROBERTS**, **PETER JOHN GIDDINGS**, **ALAN SINCLAIR COX** and **JAMES ALAN THOMAS**, all of GlaxoSmithKline, and located at Two New Horizons Court, Brentford, Middlesex TW8 9EP, England, and **DAVID MARTIN WATERS** and **HUGH BAINFORDE DAWSON**, both of GlaxoSmithKline, and located at New Frontier's Science Park, Essex, England, and **WENDY ANNE FILLER**, and **MICHAEL JOHN STOTT**, both of GlaxoSmithKline, and located at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB60NN, England jointly, and each of them severally (hereinafter called "the Attorney") to be the true and lawful Agent and Attorney of the Company on behalf of and in the name of the Company or otherwise to do, perform, exercise and execute or concur with any other person or persons in doing, performing, exercising and executing in any country or countries or jurisdiction in any part of the world all or any of the following powers, acts, deeds and things, that is to say:

1. To make application or cause application to be made for the grant to the Company and the proper registration in the name of the Company of any letters patent, trade mark, trade name, registered design or other intellectual property right whatever and to take all steps necessary for the same to be prosecuted and maintained.
2. As the act and deed of the Company to sign, seal and deliver and execute all or any assignments or assurances to the Company of any letters patent, registered trade mark, trade name, registered design or other intellectual property right or any application therefor for the purpose of fully and effectually vesting and transferring the same into the name of the Company insofar as such documents can be executed without the company's seal being affixed thereto.
3. As the act and deed for the Company to sign, seal, deliver and execute all or any assignments, assurances, licences or sub-licences from the Company of or under any letters patent, registered trade mark, trade name, registered design or other intellectual property right or any application therefor for the purpose of fully and effectually vesting, transferring or granting the same into the name of any person or company (whether in the United States of America or elsewhere) insofar as such documents can be executed without the Company's Seal being affixed thereto.
4. To sign and execute all documents relating to applications for letters patent, registered trade marks, trade names, registered designs or other intellectual property rights or the renewal thereof or to assignments or assurances of the same or applications therefor.

5. To act in regard to all official communications which may now or hereafter be addressed to the Company or to the Attorney relating to applications for letters patent, registered trade marks, trade names, registered designs or other intellectual property right or the renewal thereof in such manner that the Attorney may be recognised as the authorised Agent of the Company in all proceedings incidental thereto.
6. For, or in connection with any letters patent, registered trade mark, trade name, registered design or other intellectual property right or application therefor to sign, seal, deliver and execute any Power of Attorney or other deed or document:
  - a) authorising any firm or patent agents or trade mark agents in the United States of America to act on behalf of the Company;
  - b) authorising any person, persons, firm or company practising as patent agents or trade mark agents or otherwise entitled to act as agents for all matters relating to letters patent, trade marks, trade names, registered designs or other intellectual property rights outside the United States of America to act on behalf of the Company, with powers of substitution.
7. To initiate or cause to be initiated or to appear as defendant, complainee, interpleader or enjoined third party in any Patent Office or Registry or any Trade Mark Registry or Court or other agency or government department or otherwise responsible for the registration or protection of letters patent, trade marks, trade names, registered designs or other intellectual property rights in respect of any proceedings or application whatsoever relating to any proprietary rights whether in the name of the Company or not and to cause such proceedings or applications to be maintained or withdrawn.
8. This Power of Attorney shall expire on December 31, 2002, unless revoked prior to that date by the grantor.

AND THE COMPANY HEREBY RATIFIES AND CONFIRMS and agrees to ratify and confirm all and whatsoever the Attorney or any person, persons, firm or company appointed by him shall lawfully do or have done or cause to be done by virtue to the authority herein contained, including in such ratification and confirmation all and whatsoever the hereby appointed Attorney may already have done in purported exercise of the authorities presently vested in him.

AND THE COMPANY HEREBY DECLARES that this Power of Attorney is in substitution for and shall revoke all previous Powers of Attorney granted by the Company to the Attorney to do any of the acts and things hereby authorised to be done and remaining unrevoked PROVIDED that nothing herein contained shall affect the validity of any act or thing done by the Attorney by virtue thereof before the execution of this Power.

IN WITNESS WHEREOF the Company has caused its Common Seal to be hereunto affixed the day and year first before written.

THE COMMON SEAL OF  
SmithKline Beecham Corporation  
was hereunto affixed in the presence of:-

Donald F. Parman  
Donald F. Parman, Secretary

**FAX**

To Examiner Michael D. Pak, Group 1646  
Company USPTO  
Fax 703-872-9306  
From Marjorie J. Pfeiffer  
Tel 1-919-483-9038; Facsimile: 1-919-483-7988  
E-mail Mjp14849@gsk.com  
Date Pages Including cover 1  
Subject Revocation of POA, New POA, and Correspondence  
Address

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
[www.gsk.com](http://www.gsk.com)

**FAX RECEIVED**

MAR 10 2003

GROUP 1600

**OFFICIAL**

Re: Application of KLEWER et al.  
U.S. Serial No.: 09/276,935; Filed: March 26, 1999  
Title: An Orphan Nuclear Receptor  
Attorney Docket No. PU3474US2

## Attached:

1. Certificate of Transmission (37 CFR 1.8(a))
2. Transmittal Form
3. Revocation of Prior Power of Attorney by Assignee, Appointment of New Power of Attorney, and Change of Correspondence Address
4. Certificate under 37 CFR 3.73(b)
5. Power of Attorney (SmithKline Beecham Corporation)
6. Articles of Merger

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>				Docket No. PU3474US2
Applicant(s): KLIWER et al.				
Serial No. 09/276,935	Filing Date March 26, 1999	Examiner Michael D. Pak	Group Art Unit 1646	
Invention: <b>AN ORPHAN NUCLEAR RECEPTOR</b>				
<p>I hereby certify that this <u>Revocation of Prior Power of Attorney, New Power of Attorney and accompanying correspondence</u> (Identify by document reference) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>) on <u>March 7, 2003</u> (Date)</p>				
<p style="text-align: center;"><u>Marjorie J. Pfeiffer</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p>				
<p>Note: Each paper must have its own certificate of mailing.</p>				

Please type a plus sign (+) inside this box → PTO/98/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application  <b>09/276,935</b> Filing Date  <b>March 26, 1999</b> First Named  <b>Steven A. KLEWER</b> Group Art Unit  <b>1646</b> Examiner Name  <b>Michael D. Pak</b>	
Total Number of Pages in This Submission  <b>1</b>	Attorney Docket Number  <b>IPU3474US2</b>

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____  Remarks	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>1. Certificate under 37 CFR 3.73(b)</li> <li>2. Articles of Merger</li> <li>3. Power of Attorney (Smithkline Beecham Corporation)</li> </ul>
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	<b>Michael M. Canger, Reg. 43,562</b>	
Signature		
Date	<b>March 7, 2003</b>	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date.

Typed or printed name	<input style="width: 100%; height: 20px;" type="text"/>
Signature	
Date	<input style="width: 100px; border: 1px solid black; height: 15px; vertical-align: middle;" type="text"/>

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.